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**"Happiness is when what you think, what you say, and what you do are in harmony" — Mahatma Gandhi**

## NHRC Statutory Full Commission Meeting



NHRC Chairperson, Mr. Justice H.L. Dattu, flanked by Members & senior officers, chairing the Statutory Full Commission meeting

Mr. Justice H.L. Dattu, Chairperson, NHRC, India said that the Commission wants to work closely with all the Commissions during the process of monitoring of the recommendations of third Universal Periodic Review, which is under way. He was chairing the Statutory Full Commission Meeting having on board various National Commissions, at Indian International Centre, New Delhi on 30<sup>th</sup> January, 2020. The NHRC Members, Mr. Justice P.C. Pant, Mrs. Jyotika Kalra, Dr. D.M. Mulay, Secretary General, Mr. Jaideep Govind besides Chairpersons, Members and senior officers of various National Commissions were present.

Justice Dattu called upon all the National Commissions to join HRCnet portal of NHRC to avoid duplication of complaint registration on the same issue. He also invited the various Commissions to share their best practices in order to build a strong support mechanism for protection of human rights. He gave an overview of various rights issues being looked into by the NHRC, India and initiatives taken by it to expand its outreach.

Chairperson of National Commission for Backward Classes, Dr. Bhagwan Lal Sahni, Chairperson of National Commission Minorities, Mr. Syed Ghayorul Hasan Rizvi, and

Chief Commissioner for Persons with Disabilities, Ms Shakuntala Gamlin, NCW Members, Ms Chandramukhi Devi and Dr. Rajulben L. Desai were among the other prominent speakers dwelling upon the activities and challenges related to the work of their respective institutions.

Earlier, Mr. Jaideep Govind, Secretary General, NHRC said that the NHRC has expanded its outreach through various means including linking its online complaints filing system with the Common Service portal of the Government of India so that people could easily file complaints of human rights violations. It has also taken several State Human Rights Commissions on board its HRCNet portal to avoid duplication of complaints and timely processing of the same. The Commission has also expanded its outreach through its internship programmes, training workshops, seminars, research projects, open hearing and camp sittings.

Many suggestions came up during the discussions, some of which are as follows:

- All the National Commissions should explore how best they can jointly expand the outreach of human rights protection and promotion mechanism;

- They need to share best practices and also work on a mechanism to cut short duplication of multiple complaints in a matter by joining HRC Net portal of the NHRC;
- Organize a national seminar on a subject and theme of common areas of interests may be organized having on board all the Member Commissions of Statutory Full Commission;
- Need to collectively evolve a joint strategy, particularly, to address the issue of discrimination of people suffering various disabilities, which are now manifesting with new types of diseases;
- Need to work jointly to address the problem of child labour in bidi, polishing and other such unorganized sectors;

The meeting was significant as it was called for the first time since the recent amendment in the PHR Act adding Chairpersons of National Commission for Backward Classes, National Commission for Protection of Child Rights and the Chief Commissioner for Persons with Disabilities as the new deemed Members of the NHRC. The Chairpersons for National Commissions for Minorities, Scheduled Castes, Scheduled Tribes and Women were already the deemed Members of the Commission.

The NHRC has been holding the Statutory Full Commission meetings on time to time to explore new areas of cooperation, share best practices and activities of different National Commissions to work towards promotion and protection of human rights in a more cohesive manner as specified in the statutory clauses (b) to (j) of Section 12 of the Protection of Human Rights, PHR, Act.

## Meeting of the Task Force on National Action Plan on Human Rights

The first meeting of the Task Force on National Action Plan on Human Rights (NAP-HR) was

held on 13<sup>th</sup> January, 2020 under the chairmanship of Dr. D. M. Mulay, Member, NHRC. Senior officers of the

Commission, including Mr. Jaideep Govind, Secretary General, Ms. Anita Sinha, Joint Secretary (P&T), among

others, and representatives from the various departments of the Ministry of Human Resource Development, Ministry of Health and Family Welfare, and Ministry of Social Justice and Empowerment were present.

The deliberations of the meeting revolved around identification of thematic areas, inclusion of other Ministries and Civil Society Organisations to make the process at he process multi-tiered.

The following suggestions had emanated from the meeting-

- i. Involvement of Ministry of External Affairs, Ministry of Tribal Affairs, Ministry of Minority Affairs and Department of Legal Affairs, Ministry of Law and Justice to be



NHRC Member, Dr. D.M. Mulay chairing the meeting of the Task Force on National Action Plan on Human Rights

- included in the Core Committee.
- ii. Core Committee to have meetings at regular intervals.
- iii. Identification of a rapporteur to draft NAP-HR.
- iv. Members of the Task Force to propose new themes on human rights issues for incorporating in NAP-HR

## Meeting of the Core Group on Disability and Elderly Persons

The second meeting of the Core Group on Disability and Elderly Persons was held on 7<sup>th</sup> January, 2020 in the Commission under the chairmanship of Dr. D. M. Mulay, Member, NHRC. Mr. Jaideep Govind, Secretary General, Mr. Surajit Dey, Registrar (Law), Mrs. Anita Sinha, Joint Secretary, Mr. Sudesh Kumar, Senior Research Officer and other officers, Core Group Members, NHRC Special Monitor (Persons with Disabilities and Senior Citizens), representatives from the Union Ministries and Government institutions, and special invitees from civil society organizations, academia, international organizations attended.

The deliberations of the meeting revolved around two agenda items i.e. inclusive education and abuse of elderly persons. The following suggestion emanated after extensive deliberations:

- i. Concerns of children with disabilities should not be limited to Chapter VI of the Draft National Education Policy and should be adequately represented across chapters.
- ii. All aspects of the Draft National Education Policy need to be harmonized with the RPD Act 2016.
- iii. Institutionalization of the topic of 'disability' in courses such as Bachelor of Education (B.Ed) and

Master of Education (M. Ed) to train teachers in inclusive education from the beginning.

- iv. Formulate a Menstrual Hygiene Management Training Programme catering to the specific needs of girls with disabilities to curtail potential drop out of girls with disabilities from school.
- v. Ministry of Human Resource Development to send a detailed status report to NHRC regarding the survey of school going children for identifying children with disabilities as mandated by Section 17(a) of the RPD Act 2016.
- vi. Changing the criteria of survey as per Section 17(a) of RPD Act from 'school going children' to school aged children' for greater outreach in identification of children with disabilities.
- vii. A Standard Operating Procedure (SOP) must be formulated for disability certification procedure to eliminate variance in the process.
- viii. A research on situational analysis of the stress and strain on care-



NHRC Member, Dr. D.M. Mulay chairing the meeting of Core Group on Disability and Elderly Persons

- givers should be undertaken to understand their overwhelming proportion in elderly abuse.
- ix. Ministry of Social Justice and Empowerment should spread awareness about MWPSC Act, 2007 through audio, visual and print mediums.
- x. The Kerala Model, wherein officers from the legal service authority visit old age homes periodically, may be replicated in other old age homes across the country.
- xi. Ministry of Social Justice and Empowerment to send report to NHRC regarding the status of the compliance to the provision of establishing one old age home in each district in the Maintenance and Welfare of Parents and Senior Citizens Act, 2007

## The Second Meeting of the Core Group on Children



NHRC Member, Mrs. Jyotika Kalra chairing the meeting of the Core Group on Children

The second meeting of the NHRC's Core Group on Children was held at the Commission's premises on 10<sup>th</sup> January, 2020. Mrs. Jyotika Kalra, Member, NHRC, chaired it.

The meeting had two agenda points for discussion including malnutrition and quality education amongst children

of India. The subject of malnutrition in children was discussed with relevance to the second Sustainable Development Goal, i.e. 'Zero Hunger'. Various government schemes were pondered upon and it was felt that while the Government has enough policies to fight hunger and malnutrition, the implementation of the same needs to be strengthened. Quality education of children was discussed in the light of Right to Education provided in the Constitution of India and the fourth Sustainable Development Goal, i.e. 'Quality Education'. Certain gaps and corresponding recommendations to fill those gaps were identified, which will be taken up further with the

relevant Union Ministries for action.

The Core Group members and senior officers of the Commission including Mr. Jaideep Govind, Secretary General, Mr. Prabhat Singh, DG(I), Mr. Surajit Dey, Registrar (Law), Mrs. Anita Sinha, Joint Secretary, Mr. Sudesh Kumar, Senior Research Officer, among others, attended. The Commission's Special Monitor on Children, Ms. Razia Ismail, other Special Invitees with representatives from Ministry of Women and Child Development, Ministry of Health and Family Welfare, National Commission for Scheduled Caste, National Commission for Schedules Tribes, National Commission for Minorities, National Commission for Backward Classes, Delhi Commission for Protection of Child Rights, Child Welfare Committee also participated in the discussions.

## Suo Motu Cognizance

The Commission took suo motu cognizance in 01 case of alleged human rights violations reported by media during 1<sup>st</sup> - 31<sup>st</sup> January, 2020, and issued notices to the concerned authorities for reports. Summary of the case is as follows:

### Case No. 17/20/21/2020

The media reported about the death of more than 100 children at a government run hospital in Kota district of Rajasthan in the month of December, 2019. Ten out of hundred children died within 48 hours between December 23 and 24, 2019. Reportedly, over 50 per cent of the gadgets installed

in the hospital were defunct and the hospital was lacking cleanliness and basic infrastructure including oxygen supply in the Intensive Care Unit (ICU).

The Commission has issued a notice to the Chief Secretary, Government of Rajasthan to submit a detailed report in the matter including the steps being taken to address the issue and to ensure that such deaths of the children do not recur in future due to lack of infrastructure and health facilities at the hospitals.

The Commission has observed that the contents of the media reports,

if true, raise serious issue of violation of human rights. The painful deaths of children in such a large number is a matter of concern for the Commission. The State is duty bound to provide basic necessary medical care to its citizens.

According to the media report, the state authorities have reportedly stated that the number of deaths is low in comparison with earlier years. As per the statistics quoted by the State authorities, 963 children had died in the year 2019 at J.K. Lon government hospital while this figure was above 1000 in the preceding years.

## NHRC rebuts statement that it condemned police action in the Jamia Millia Islamia

It was brought to the notice of the National Human Rights Commission, NHRC, India that certain individuals

were attributing that the Commission had condemned police action in the Jamia Millia Islamia. Issuing a rebuttal

on 2nd January, 2020, the Commission said that this statement was incorrect and the matter was still under enquiry.

## Cases of Human Rights Defenders

The Commission registered 08 cases of alleged Harassment of Human Right Defenders during the month of January, 2020, Summary of some of these cases is as follows:

### Case No. 1438/24/48/2020

The complainant, Mr. Henri Tiphange, National Working Secretary of HRD Alert- India has sent a complaint to the Commission alleging

arrest of a Social Activist when he had gone to Hazrat Ganj Police Station, Lucknow on 20<sup>th</sup> Dec, 2020 to inquire about the whereabouts of his activist friends, who were picked up by

police following the protests against Citizenship (Amendment) Act, 2019. He was badly assaulted with batons and rifle butts in the name of interrogation. Taking cognizance of the same, the Commission has called for a report in the matter from SSP, Lucknow, Government of Uttar Pradesh.

#### Case No. 53/13/35/2020

The complainant Dr. Keval Ukey has sent a complaint to the Commission alleging the harassment of Dalit Human Rights Defenders by police authorities of Taluka Agndha (Nagnath), Maharashtra by registering false criminal cases against them. The Commission has taken cognizance of the complaint seeking action taken report from state authorities.

#### Case No. 2520/24/3/2020

Mr. Henri Tiphange, National Working Secretary of HRD Alert- India has sent a complaint to the Commission alleging that the named victim, a human rights defender, was booked for allegedly giving provocative speech at the open talk organized in Aligarh Muslim University Campus under section 153-A of IPC. The Commission has taken cognizance of the complaint

seeking action taken report from state authorities.

#### Case No. 1451/24/72/2020

The complainant, Mr. Henri Tiphange, National Working Secretary of HRD Alert- India has sent a complaint to the Commission alleging that the victim, a Dalit Rights Activist, was arrested from Beniyabagh ground in Varanasi during the peaceful protest march against CAA and NRC and was booked under false charges. The complainant had also mentioned that police had refused to provide any copy of FIR to the victim's family and for 3 days not even allowed them to meet the victim. The complainant had further alleged that victim was not granted bail, instead Varanasi police filed another fabricated case against him. Taking cognizance of the same, the Commission has called for a report in the matter from SSP, Varanasi, Uttar Pradesh.

#### Case No. 65/22/5/2020

The complainant, Mr. Henri Tiphange, National Working Secretary of HRD Alert- India has sent a complaint to the Commission alleging about arbitrary arrest and

manhandling of the victims while protesting against the death of 17 persons in Mettupalayam, Tamil Nadu. The complainant had further alleged that the police personnel attacked them using lathis; detained them for nearly 16 hours etc. The Commission has taken cognizance of the complaint seeking action taken report from state authorities.

#### Case No. 197/24/0/2020

The complainant, Mr. Wajahat Habibullah and others, has sent a complaint to the Commission alleging excessive use of force by the Uttar Pradesh state police, against the people, who were protesting against CAA and NRC, which had led to several deaths and life threatening injuries. The complainant mentioned that human right defenders have been arbitrarily arrested under severe provisions of IPC and detained on trumped-up charges without following the due process of law across the state and at the same time internet clampdowns have ensured much of the police actions going unreported. Taking cognizance of the same, the Commission has called for a report in the matter from Chief Secretary, and Director General of Police, Uttar Pradesh.

## From NHRC Investigation Files

*This column will carry stories, unfolding an intricate case of human rights violations, leading to diametrically opposite revelation to the prima facie claims and findings after investigation by the NHRC team.*

#### Case No. 777/30/0/2019-WC

The Commission registered a case on suo motu basis after taking cognizance on media report that a woman after a month of filing a complaint to the police of her harassment by a man was murdered in outer Delhi. The allegation was that if the police had registered a case and taken timely action, the tragedy could have been averted. During the course of enquiry, it was found that the 02 police personnel of Nagloi Police Station took the matter very casually and did not take appropriate action ensuring

safety of the complainant for which appropriate departmental action had been taken.

#### Case No. 2030/30/9/2019

The allegation was that during the sealing drive, carried out by South Delhi Municipal Corporation, excessive force was used by police on traders on 13<sup>th</sup> April, 2019. During the enquiry by the Investigation Division of the Commission, the allegation of merciless beating of traders was not found correct. However, it was revealed that 02 jawans of ITBP over reacted and injured two protestors by reverse stone pelting.

#### Case No. 4733/18/13/2017-AD

It was a complaint of death in police custody due to torture at Police Station Hirakud, Sambalpur, Odisha on

23<sup>rd</sup> September, 2017. During the course of enquiry, the local police claimed that the victim was brought to the police station as he was creating nuisance in public place on 17<sup>th</sup> September, 2017. The next day, he complained of pain in his legs and was taken to hospital for treatment. Later, the same day his father was called to the police station to take him home after giving in writing that he was taking his son in good health. Five days later, he died. From the post mortem report and inquest report, it was clear that the death was caused due to the injuries sustained by the victim 05-07 days back when he was in police custody. The police theory that the victim was taken by his father in good health was exposed during the enquiry by the Investigation Division of the Commission.

## Spot Enquiries

Following is the list of cases wherein the enquiries were conducted by the Commission's officers during the month of January, 2020:

| S.N. | Case Number      | I/O's Name (S/sh./Ms.)                                                                                                        | Date of Visit                                              | Allegations in brief                                                                                                                                                                               |
|------|------------------|-------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1    | 1018/24/3/2020   | SSP Manzil Saini,<br>DSP Rajvir Singh,<br>DSP Rajender Singh, Insp. Manoj<br>Dahiya, Insp. Arun Tyagi & Insp.<br>Saroj Tiwari | 13.01.2020 -<br>17.01.2020                                 | In compliance of High Court of<br>Allahabad, UP orders on Writ Petitions<br>alleging abuse of force by Uttar Pradesh<br>Police on the students of Aligarh Muslim<br>University Campus, Aligarh, UP |
| 2    | 5630/30/0/2019   | SSP Manzil Saini,<br>DSP M.S. Gill, DSP Bimal Jit Uppal,<br>Insp. Deepak Kumar<br>& Insp. Neeraj Kumar                        | 14.01.2020 -<br>17.01.2020 &<br>22.01.2020 -<br>24.01.2020 | Alleged atrocities committed by Delhi<br>Police on students after entering<br>the premises of Jamia Millia Islamia<br>University, New Delhi.                                                       |
| 4    | 20250/24/52/2019 | DSP Isam Singh<br>& Insp. Jintu Sekia                                                                                         | 20.01.2020 -<br>24.01.2020                                 | Alleged police atrocities, harassment &<br>false implication of the complainant by<br>police of Mathura District, UP                                                                               |
| 5    | 2569/4/30/2019   | DSP Rajender Singh, Insp. Kulwant<br>Singh & Insp. Santosh Kumar                                                              | 27.01.2020 -<br>31.01.2020                                 | Alleged custodial torture by police of<br>Samastipur District, Bihar                                                                                                                               |

## Recommendations for Relief

A part from the large number of cases taken up daily by individual Members, 45 cases were taken up during 03 sitting of the Full Commission and 65 cases were taken up during 04 sitting of the Divisional Bench-I in January, 2020. On 62 cases, listed in the table below, the Commission recommended monetary relief amounting to a total of Rs. 1,38,35,000/- for the victims or their next of kin, where it found that public servants had either violated human rights or been negligent in protecting them. *The specific details of these cases can be downloaded from the NHRC website by logging the case number given in the table below:*

| S. N. | File No              | Inc. Name                  | Amount (in Rs.) | State          |
|-------|----------------------|----------------------------|-----------------|----------------|
| 1     | 108/1/21/2016-JCD    | Custodial Death (Judicial) | 300000          | Andhra Pradesh |
| 2     | 237/3/11/2018-JCD    | Custodial Death (Judicial) | 300000          | Assam          |
| 3     | 120/4/26/2017-JCD    | Custodial Death (Judicial) | 300000          | Bihar          |
| 4     | 1374/4/26/2016-JCD   | Custodial Death (Judicial) | 200000          | Bihar          |
| 5     | 217/4/7/2018-JCD     | Custodial Death (Judicial) | 200000          | Bihar          |
| 6     | 231/4/24/2015-JCD    | Custodial Death (Judicial) | 200000          | Bihar          |
| 7     | 3450/4/30/2014-JCD   | Custodial Death (Judicial) | 300000          | Bihar          |
| 8     | 4497/4/7/2014-JCD    | Custodial Death (Judicial) | 200000          | Bihar          |
| 9     | 625/33/12/2014-JCD   | Custodial Death (Judicial) | 300000          | Chhattisgarh   |
| 10    | 825/33/1/2015-JCD    | Custodial Death (Judicial) | 300000          | Chhattisgarh   |
| 11    | 1688/30/9/2016-JCD   | Custodial Death (Judicial) | 200000          | Delhi          |
| 12    | 1688/30/9/2016-JCD   | Custodial Death (Judicial) | 200000          | Delhi          |
| 13    | 211/30/9/2014-JCD    | Custodial Death (Judicial) | 300000          | Delhi          |
| 14    | 1329/34/17/2015-JCD  | Custodial Death (Judicial) | 300000          | Jharkhand      |
| 15    | 1575/34/5/2018-JCD   | Custodial Death (Judicial) | 200000          | Jharkhand      |
| 16    | 1371/12/30/2017-JCD  | Custodial Death (Judicial) | 500000          | Madhya Pradesh |
| 17    | 41/14/14/2015-JCD    | Custodial Death (Judicial) | 300000          | Manipur        |
| 18    | 110/32/0/2018-JCD    | Custodial Death (Judicial) | 500000          | Puducherry     |
| 19    | 13852/24/9/2016-JCD  | Custodial Death (Judicial) | 200000          | Uttar Pradesh  |
| 20    | 508/22/15/2016-JCD   | Custodial Death (Judicial) | 300000          | Tamil Nadu     |
| 21    | 1705/24/54/2018-JCD  | Custodial Death (Judicial) | 300000          | Uttar Pradesh  |
| 22    | 25806/24/48/2015-JCD | Custodial Death (Judicial) | 300000          | Uttar Pradesh  |

|    |                      |                                                                 |        |                |
|----|----------------------|-----------------------------------------------------------------|--------|----------------|
| 23 | 26630/24/30/2018-JCD | Custodial Death (Judicial)                                      | 300000 | Uttar Pradesh  |
| 24 | 218/24/48/2017-JCD   | Custodial Death (Judicial)                                      | 200000 | Uttar Pradesh  |
| 25 | 32632/24/79/2014-JCD | Custodial Death (Judicial)                                      | 100000 | Uttar Pradesh  |
| 26 | 33638/24/63/2017-JCD | Custodial Death (Judicial)                                      | 300000 | Uttar Pradesh  |
| 27 | 35082/24/12/2015-JCD | Custodial Death (Judicial)                                      | 200000 | Uttar Pradesh  |
| 28 | 37161/24/63/2017-JCD | Custodial Death (Judicial)                                      | 300000 | Uttar Pradesh  |
| 29 | 39090/24/56/2017-JCD | Custodial Death (Judicial)                                      | 300000 | Uttar Pradesh  |
| 30 | 565/25/22/2015-JCD   | Custodial Death (Judicial)                                      | 500000 | West Bengal    |
| 31 | 84/25/3/2017-JCD     | Custodial Death (Judicial)                                      | 200000 | West Bengal    |
| 32 | 5702/30/8/2016       | Failure in Taking Lawful Action                                 | 100000 | Delhi          |
| 33 | 8194/30/5/2014       | Failure in Taking Lawful Action                                 | 100000 | Delhi          |
| 34 | 282/13/16/2016       | Failure in Taking Lawful Action                                 | 25000  | Maharashtra    |
| 35 | 546/20/5/2015        | Failure in Taking Lawful Action                                 | 160000 | Rajasthan      |
| 36 | 321/36/10/2017       | Failure in Taking Lawful Action                                 | 200000 | Telangana      |
| 37 | 48321/24/57/2015     | Failure in Taking Lawful Action                                 | 50000  | Uttar Pradesh  |
| 38 | 28691/24/57/2016     | Inaction by The State/Central Govt. officials                   | 300000 | Uttar Pradesh  |
| 39 | 45401/24/19/2013     | Inaction by The State/Central Govt. officials                   | 300000 | Uttar Pradesh  |
| 40 | 3483/18/10/2017      | Inaction by The State/Central Govt. officials                   | 100000 | Odisha         |
| 41 | 3986/18/34/2017      | Inaction by The State/Central Govt. officials                   | 100000 | Odisha         |
| 42 | 5272/18/10/2017      | Inaction by The State/Central Govt. officials                   | 300000 | Odisha         |
| 43 | 5277/18/6/2017       | Inaction by The State/Central Govt. officials                   | 300000 | Odisha         |
| 44 | 25066/24/27/2016     | Inaction by The State/Central Govt. officials                   | 100000 | Uttar Pradesh  |
| 45 | 31334/24/10/2016     | Inaction by The State/Central Govt. officials                   | 100000 | Uttar Pradesh  |
| 46 | 3269/4/4/2017        | Abuse of Power                                                  | 100000 | Bihar          |
| 47 | 100/6/18/2017-PF     | Abuse of Power                                                  | 100000 | Gujarat        |
| 48 | 811/10/1/2016        | Atrocities on SC                                                | 50000  | Karnataka      |
| 49 | 1272/18/16/2019      | Atrocities on Old/Aged By Police                                | 300000 | Odisha         |
| 50 | 5276/18/10/2017      | Malfunctioning of Medical Professionals                         | 50000  | Odisha         |
| 51 | 8486/18/7/2016       | Malfunctioning of Medical Professionals                         | 300000 | Odisha         |
| 52 | 14923/24/18/2018     | Malfunctioning of Medical Professionals                         | 200000 | Uttar Pradesh  |
| 53 | 316/12/37/2019       | Children                                                        | 300000 | Madhya Pradesh |
| 54 | 176/20/10/2019       | Children                                                        | 300000 | Rajasthan      |
| 55 | 1963/20/1/2018       | Exploitation of Children                                        | 300000 | Rajasthan      |
| 56 | 16151/24/3/2017-WC   | Abduction, Rape And Murder                                      | 100000 | Uttar Pradesh  |
| 57 | 41/3/14/2014-ED      | Death in Police Encounter                                       | 300000 | Assam          |
| 58 | 19958/24/7/2015-DH   | Death of Child Staying with Female Prisoner in Judicial Custody | 100000 | Uttar Pradesh  |
| 59 | 25343/24/40/2018-WC  | Dowry Death or their Attempt                                    | 100000 | Uttar Pradesh  |
| 60 | 30313/24/35/2017     | Victimisation                                                   | 50000  | Uttar Pradesh  |
| 61 | 912/19/18/2017-WC    | Sexual Harassment (General)                                     | 50000  | Punjab         |
| 62 | 1971/18/30/2018      | Miscellaneous                                                   | 300000 | Odisha         |

## Payment of Relief on NHRC Recommendations

The Commission closed 48 cases on receipt of compliance reports from different public authorities, furnishing proof of payment, it has recommended, totaling Rs. 1,11,60,000/- to the victim of human rights violations or their next of kin. The specific details of these cases, closed in January, 2020, can be downloaded from the NHRC website by logging the case number given in the table below:

| Sr No | File No              | Inc. Name                                                                                      | Amount (in Rs.) | State             |
|-------|----------------------|------------------------------------------------------------------------------------------------|-----------------|-------------------|
| 1     | 44809/24/72/2015-JCD | Custodial Death (Judicial)                                                                     | 300000          | Uttar Pradesh     |
| 2     | 47462/24/51/2014-JCD | Custodial Death (Judicial)                                                                     | 100000          | Uttar Pradesh     |
| 3     | 38688/24/3/2014-JCD  | Custodial Death (Judicial)                                                                     | 300000          | Uttar Pradesh     |
| 4     | 17566/24/26/2014-JCD | Custodial Death (Judicial)                                                                     | 200000          | Uttar Pradesh     |
| 5     | 336/25/10/2016-JCD   | Custodial Death (Judicial)                                                                     | 200000          | West Bengal       |
| 6     | 539/19/10/2016-JCD   | Custodial Death (Judicial)                                                                     | 100000          | Punjab            |
| 7     | 541/19/5/2016-JCD    | Custodial Death (Judicial)                                                                     | 200000          | Punjab            |
| 8     | 14047/24/7/2016-JCD  | Custodial Death (Judicial)                                                                     | 200000          | Uttar Pradesh     |
| 9     | 5930/30/9/2015-JCD   | Custodial Death (Judicial)                                                                     | 200000          | Delhi             |
| 10    | 1857/30/6/2017-JCD   | Custodial Death (Judicial)                                                                     | 200000          | Delhi             |
| 11    | 3209/4/5/2016-JCD    | Custodial Death (Judicial)                                                                     | 300000          | Bihar             |
| 12    | 701/4/26/2016-JCD    | Custodial Death (Judicial)                                                                     | 200000          | Bihar             |
| 13    | 35/12/37/2013-JCD    | Custodial Death (Judicial)                                                                     | 500000          | Madhya Pradesh    |
| 14    | 2225/13/8/2014-PCD   | Custodial Death (Police)                                                                       | 300000          | Maharashtra       |
| 15    | 1439/34/8/2015-PCD   | Custodial Death (Police)                                                                       | 100000          | Jharkhand         |
| 16    | 19/2/14/2018         | Inaction by The State/Central Govt. officials                                                  | 400000          | Arunachal Pradesh |
| 17    | 1667/4/26/2015       | Inaction by The State/Central Govt. officials                                                  | 200000          | Bihar             |
| 18    | 1907/30/0/2011       | Inaction by The State/Central Govt. officials                                                  | 600000          | Delhi             |
| 19    | 3986/18/34/2017      | Inaction by The State/Central Govt. officials                                                  | 100000          | Odisha            |
| 20    | 4017/18/12/2017      | Inaction by The State/Central Govt. officials                                                  | 200000          | Odisha            |
| 21    | 4804/18/5/2017       | Inaction by The State/Central Govt. officials                                                  | 200000          | Odisha            |
| 22    | 34/23/5/2017         | Inaction by The State/Central Govt. officials                                                  | 200000          | Tripura           |
| 23    | 39952/24/31/2012     | Inaction by The State/Central Govt. officials                                                  | 220000          | Uttar Pradesh     |
| 24    | 1053/1/4/2015        | Abuse of Power                                                                                 | 25000           | Andhra Pradesh    |
| 25    | 203/3/11/2011        | Abuse of Power                                                                                 | 600000          | Assam             |
| 26    | 203/3/11/2011        | Abuse of Power                                                                                 | 600000          | Assam             |
| 27    | 1766/20/2/2013       | Abuse of Power                                                                                 | 300000          | Rajasthan         |
| 28    | 3854/24/8/2015       | Abuse of Power                                                                                 | 100000          | Uttar Pradesh     |
| 29    | 50013/24/39/2015-PF  | Abuse of Power                                                                                 | 25000           | Uttar Pradesh     |
| 30    | 396/4/14/2011-AFE    | Alleged Fake Encounters                                                                        | 500000          | Bihar             |
| 31    | 1092/24/7/2012-AFE   | Alleged Fake Encounters                                                                        | 500000          | Uttar Pradesh     |
| 32    | 369/3/16/2013-ED     | Death in Police Encounter                                                                      | 500000          | Assam             |
| 33    | 776/33/18/2013-ED    | Death in Police Encounter                                                                      | 500000          | Chhattisgarh      |
| 34    | 1490/34/7/2013-ED    | Death in Police Encounter                                                                      | 500000          | Jharkhand         |
| 35    | 2419/7/3/2017        | Failure in Taking Lawful Action                                                                | 100000          | Haryana           |
| 36    | 130/18/5/2015        | Failure in Taking Lawful Action                                                                | 25000           | Odisha            |
| 37    | 37168/24/31/2016     | Failure in Taking Lawful Action                                                                | 25000           | Uttar Pradesh     |
| 38    | 1909/18/14/2017      | Atrocities by Custom/Excise/Enforcement/Forest/Income-Tax Deptt., Etc. of Central/State Govts. | 200000          | Odisha            |
| 39    | 1909/18/14/2017      | Atrocities by Custom/Excise/Enforcement/Forest/Income-Tax Deptt., Etc. of Central/State Govts. | 200000          | Odisha            |
| 40    | 49981/24/57/2014     | Atrocities on SC/ST (By Police)                                                                | 10000           | Uttar Pradesh     |
| 41    | 4186/30/7/2017       | Malfunctioning of Medical Professionals                                                        | 100000          | Delhi             |
| 42    | 6610/24/2/2018       | Malfunctioning of Medical Professionals                                                        | 300000          | Uttar Pradesh     |
| 43    | 1532/20/2/2016-WC    | Exploitation of Women                                                                          | 100000          | Rajasthan         |
| 44    | 61/22/13/2014        | Illegal Arrest                                                                                 | 300000          | Tamil Nadu        |
| 45    | 1268/24/25/2015      | Unlawful Detention                                                                             | 10000           | Uttar Pradesh     |
| 46    | 14732/24/36/2016-WC  | Gang Rape                                                                                      | 10000           | Uttar Pradesh     |
| 47    | 26649/24/27/2014-WC  | Abduction, Rape and Murder                                                                     | 10000           | Uttar Pradesh     |
| 48    | 39182/24/1/2012-AD   | Alleged Custodial Deaths In Judicial Custody                                                   | 100000          | Uttar Pradesh     |

## Success Stories

### Case No. 1295/22/5/2014

The Commission received a complaint regarding death due to electrocution of a 6 year old girl named Nandini d/o Balasubramaniam, r/o Coimbatore, Tamil Nadu. The Commission found negligence/laxity on the part of public servants and recommended a sum of Rs. 3 Lakh to be paid to NoK of the deceased. Consequently, a report was received from Assistant Commissioner of Labour, Coimbatore, confirming the payment of monetary relief.

### Case No. 47462/24/51/2014-JCD

The Commission received an intimation regarding custodial death of an under trial prisoner named Indra Babu aged about 35 years s/o Sitaram Yadav r/o Mainpuri, Uttar Pradesh on 09<sup>th</sup> December, 2014 in the custody of District Jail, Mainpuri. After examine all relevant records the Commission held that there was lack of proper supervision in the jail premises due to which the prisoner escaped and committed suicide. The Commission observed that the State, which is as such responsible for protection of the life of the jail inmates, failed to exercise due care and caution due to which a life was lost. In consequence, the Commission awarded a sum of Rs. 1 Lakh to the NoK of the deceased, which was paid by the public authority.

### Case No. 1374/4/26/2016-JCD

The matter relates to the death of a prisoner Anil Yadav in the custody of Central Prison, Beur, Patna, Bihar on 30<sup>th</sup> March, 2016 while undergoing treatment at IIGMS and later at PMCH, Patna. Although he was referred to AIIMS New Delhi on 04<sup>th</sup> March,

2016 but died on 30<sup>th</sup> March, 2016.

The Magisterial enquiry conducted by the Executive Magistrate, Patna also concluded that the death of the convict was caused during course of treatment in the PMCH, Patna.

The Commission, on consideration of various reports, observed that the deceased was in the care and custody of the State and the State was responsible for providing him adequate and timely treatment, but due to delay in according permission to take the convict to AIIMS, New Delhi, for specialized treatment, he died. For this lapse, the State was held vicariously liable to make reparations to the next-of-kin of the deceased convict, Anil Yadav.

The Commission recommended to the State of Bihar, to pay compensation of Rs. 2,00,000/- to the next of kin of the deceased – Anil Yadav, at the earliest and submit compliance report, along with proof of payment.

### Case No. 130/18/5/2015

The Complainant lady had visited and waited outside Sorada Sub-jail Berhampur, Odisha at its Main Gate to meet her husband who was lodged in the said jail. At this juncture, an officer of the jail came there and enquired from the complainant about her personal information and allegedly outraged her modesty by touching her breasts. The complainant further alleged that the said officer had threatened her that if she disclosed the incident to anyone, her husband would be falsely implicated in an NDPS case. Despite giving complaint to the police, no action was taken against the accused official by the police.

Pursuant to the directions of the Commission, an enquiry was conducted by Sr. Superintendent, Circle Jail, Berhampur, who held the Incharge Jailor, Sorada Sub Jail to be prima facie guilty of misbehavior and departmental proceedings were initiated. Besides, the enquiry officer had also observed that the said In-charge Sub Jailor had antecedents of previous ill treatment towards jail inmates. As the State is vicariously liable for the conduct of its public servants resulting in gross human rights violations, the Chief Secretary, Government of Odisha was recommended to pay monetary compensation of Rs. 25,000/- to the complainant, which was complied by the State Government.

### Case No. 541/19/5/2016-JCD

This case relates to custodial death of convict prisoner, Gurmeet Singh s/o Jagdish Singh (27 years of age) on 22<sup>nd</sup> May, 2016 when he hanged himself inside the de-addiction ward of the jail. After analysis of the submitted reports, the Commission observed that the deceased convict prisoner, admittedly was a known case of drug abuse. The Jail authorities had shifted him to de-addiction ward on 20<sup>th</sup> May, 2016 but the convict prisoner was not watched properly in the de-addiction ward. This led to an opportunity to the deceased to hang himself inside the jail. The magistrate in his report also observed that the jail authorities were not vigilant and careful. By applying principle of vicarious liability, the Commission recommended to the Chief Secretary, Govt. of Punjab, to pay a monetary compensation of Rs. 2,00,000/- to the NoK of the deceased, which was paid by the State Government.

## Conference on Integrating Women's Development with Nation's Development

The National Human Rights Commission (NHRC), in collaboration with the National Academy of Legal Studies and Research (NALSAR), Hyderabad, organized a one-day conference on the topic 'Integrating Women's development with Nation's Development: Role of stakeholders' at NALSAR, Hyderabad

on 17th January, 2020. The NHRC delegation headed by Mrs Jyotika Kalra, Member comprised Mr. Jaideep Govind, Secretary General, Mr. Sudesh Kumar, Senior Research Officer and two Junior Research Consultants Ms. Ridhima Puri and Mr. Pallav Kumar. Important participants in the conference included

Dr. Faizan Mustafa, V.C., NALSAR University, Mr. Justice G. Chandraiah, Chairperson, State Human Rights Commission (Telangana), Ms. Soso Shaiza, Member, National Commission for Women among others. Dr. Indu Agnihotri, Special Monitor, NHRC also participated in the deliberations.

The conference highlighted

through its various sessions, several facets of women's empowerment in India. It focused on the achievements of women, including their overcoming of traditional roadblocks in their empowerment. It also highlighted that despite women in twenty-first Century being more empowered than several decades ago, there still existed several challenges that specifically affect women. The panelists, moderators, as well as student presenters appeared to agree that the development of women cannot be the sole responsibility of the State and its instrumentalities. Society

as a whole should be responsible. While it is important for the State to provide the structures for ensuring the development of women, it is equally necessary for men and women in society to shoulder the responsibility to ensure that women's progress happens, and importantly, to understand that the development of women benefits the nation. Thus, the conference served as a platform to not only bring to light these issues, but also to start the dialogue on how to deal with them by society.



NHRC Member, Mrs. Jyotika Kalra & S.G., Mr. Jaideep Govind at the conference

## Dr. D.M. Mulay, Member, NHRC visits Shelter Homes in South Delhi

Dr. Dnyaneshwar Manohar Mulay, Member, NHRC accompanied by officers visited Shelter Homes in South Delhi for the Urban Homeless on the 14<sup>th</sup> January, 2020. These included Shelter Homes under Delhi Urban Shelter Improvement Board (DUSIB) Govt. of NCT Delhi and permanent Shelter Homes provided by All India Institute of Medical Sciences (AIIMS).

The conditions of Shelter Homes were assessed for the quality and utilization of existing services including Durries, Mattresses, Bed-sheets, Pillow & Blankets, Locker facility for keeping belongings (as per availability), Electricity/Lighting arrangements, Drinking water, Toilet facility, Bathing facility (wherever available), Television and Hot water in winter season (wherever available).

Actionable recommendations emanated from the said visit are as follows:

1. Proper cleaning and sanitation, ventilation of the halls, needs to be maintained, and blankets should be cleaned at weekly basis by the AIIMS Administration.

2. Shelter Homes and Shelter Homes under (DUSIB) Govt. of NCT, Delhi was stuffed with luggage and other materials, the air quality should be checked regularly.
3. The fire extinguishers need to be installed in each of the tent house to avoid fire hazards in Shelter Houses under (DUSIB) Govt. of NCT, Delhi.
4. Proper Identification check of the NGOs, people visiting the Shelter Homes needs to be made regularly in Shelter Homes under (DUSIB) Govt. of NCT, Delhi.
5. More Shelter Homes are required to meet the requirement of homeless people of NCT Delhi, and porta Cabin accommodations should be converted to permanent buildings so that more people life could be saved from severe cold and better

accommodation to be extend to its inmates Shelter Homes under (DUSIB) Govt. of NCT, Delhi.

6. The provision of toilets for men and women and the disabled needs to be maintained Shelter Homes under (DUSIB) Govt. of NCT, Delhi.
7. The electricity circuits needs to be made functional and regularly checked by engineers shelter Homes under (DUSIB) Govt. of NCT, Delhi.

Action taken report on the recommendations are being obtained from the concerned authorities.



NHRC Member, Dr. D.M. Mulay visiting the Shelter Homes

## CBI Takes Care that the Human Rights of the Accused are not Violated during Interrogation, Says Agency Director, Mr. Rishi Kumar Shukla

The CBI Director, Mr. Rishi Kumar Shukla said that the agency investigates cases as per the provisions of Law. It takes care that the human rights of the accused are not violated during interrogation. He was addressing the interns of the Winter Internship Programme of the NHRC in New Delhi on 14<sup>th</sup> January, 2020.

The topic was "Safeguards during investigation/interrogation of the suspects so as to not infringe their human rights".

The NHRC Member, Mrs. Jyotika Kalra, Secretary General, Mr. Jaideep Govind, Director General (Investigation), Mr. Prabhat Singh and other senior officers of the Commission

were present.

Mr. Shukla said that the expectations from the CBI have only risen over the years. The number of cases being investigated by the agency reflects this. Collecting evidence and bringing the accused to justice is a time taking arduous process and requires a lot of manpower. However, the CBI

continues to follow and process all the investigations handed over to it.

The Commission, as part of its

special lecture series, has been inviting senior officers in the Government to talk about the functioning of their

Ministries/Departments with human rights perspective and related issues and challenges.

## NHRC's Month Long Winter Internship Programme Concludes

The month long winter internship programme of the National Human Rights Commission, NHRC, India concluded at its premises in New Delhi on 15th January, 2020. The Commission organizes month long winter and summer internships every year. This was the 34th internship. 62 post graduate level students, mainly from law and social sciences streams, representing different colleges and universities in the country attended it and received certificates.

Addressing the valedictory session, Dr. D.M. Mulay, NHRC congratulated the interns for the successful completion of their training and expressed the hope that they would use it for the promotion and protection of human rights. He said that not much

jargon is required to understand and explain the concept of human rights. Sensitivity ensures protection of human rights.

Earlier, Mr. Jaideep Govind, Secretary General, NHRC described them as the ambassadors of the Commission for expanding its outreach for the cause of human rights and wished them good luck for their future careers. Mr. Rajit Punhani, Additional Secretary and Financial Advisor, Ministry of Home Affairs also interacted with the interns as a part of the valedictory function on "How to increase the outreach of human rights". Director General (Investigation), Mr. Prabhat Singh, Registrar Law, Mr. Surajit Dey, Joint Secretary (P & T),

Mrs. Anita Sinha and other senior officers were present.

During the internship, the students were exposed to various aspects of human rights including international covenants and domestic laws, mandate and functioning of the NHRC, India. Besides the NHRC Members, Mr. Justice P.C. Pant and Mrs. Jyotika Kalra and senior officers, many renowned subject specialists, experts, Secretaries in key Ministries and other senior functionaries interacted with them. They were also taken for field visits to prisons, police stations and NGOs for the first hand experience of working there. They were also guided to write dissertation on some important issues of human rights.

## Media & Communication Initiatives: NSS Given Go Ahead to Organize Human Rights Awareness Workshops

The Commission has a dedicated Media & Communication Wing to engage with the various news media organization including print, electronic and neo media. Simultaneously, it has also continued to explore alternative media platforms for building awareness about the importance of promotion and protection of human rights.

As part of this endeavor, in the year 2019-20, it set out to collaborate

with National Services Scheme (NSS), Nehru Yuva Kendra Sangathan (NYKS), National Cadet Core (NCC) and Indian Red Cross to organize human rights workshop through their wide work network of youths and officers. Rs. 4.10 lakh were sanctioned and disbursed in the month of January, 2020 to the NSS to organize 10 awareness workshops through their Regional Directorate in Delhi on a pilot

basis. The understanding with the other organizations for collaborative exercises is also at an advance stage for finalization.

Besides this, it was also decided to engage with the national broadcasters, All India Radio and Doordarshan for dissemination of information about human rights through their pan India networks.

## Information and Communication Technology (ICT) Achievements of NHRC

### (i) HRCNet Portal(<https://hrcnet.nic.in>):

HRCNet team of NHRC has carried out following activities regarding HRCNet Portal in NHRC, SHRCs and Govt. Authorities:

- a. UP SHRC has been trained in entry of the Commission's proceedings in the software and printing of pre-formatted letters thereafter. Provision for sending of the letters in Hindi Language has also been provided to the U.P SHRC. These two changes will enable in tracking the status of cases through the portal (<https://hrcnet.nic.in>) and getting information about the Commission's proceedings in Hindi

Language.

- b. Kerala SHRC Officers and Staff have been trained on HRCNet Portal through Video-conferencing, for implementing the modules of HRCNet fully. Local NIC Officers were also involved in the training for hand holding.

- c. Provisions for **downloading pending cases list in Excel Format and uploading of reports on any pending case** has been made in module for Govt. Authority. This module is helping the Commission in getting reports online avoiding the possibility of delay in receipt of the same by post.

- d. **Cases Allocation through Computer:** Commission has started allocation of cases in which reports are to be called by Chairperson/Members using computer.

### (ii) eOffice(<https://nhrc.eoffice.gov.in>):

Training of the Officers & Staff of NHRC was conducted during the month for using eOffice software. The training sessions were conducted on 08-09.01.2020 and 16-17.01.2020 by eOffice Implementation Team of NIC.

**NHRC has started using eOffice Software in the Commission from 27<sup>th</sup> January, 2020.**

eStore has been implemented in the Commission from Jan 2020. It has provision for sending indents of items,

tracking of status of indents, status of stocks, information regarding repetitive indents of same items, alerts for timely

procurement and other useful MIS reports.

## Human Rights and NHRC in News

During the month of January, 2020, the Media & Communication Wing of the Commission prepared and issued 07 press releases. More than 3000 news clippings on various human rights issues were culled out from different/select editions of major English and Hindi newspapers and some news websites. News clippings related to several incidents of alleged human rights violations were brought to the notice of the Chairperson. Some of these were considered and found fit for suo motu cognizance. Many News stories, wherein there was a specific reference to the interventions by the NHRC can be seen at 'NHRC-in-News' on the website of the Commission.

### Without repr

New report on policing in India shows recurring pattern of training, funds and equipment compounded

The Commission has released a report on policing in India, which shows a recurring pattern of training, funds and equipment compounded. The report tells us that even though India is a global hub for IT, there are many police stations without access to wireless, computers, vehicles or even telephones. Hundreds of police stations are unable to provide clean drinking water to functional toilets to police personnel.

### Congress moves NHRC over police action on anti-CAA protesters in UP

A Congress delegation led by Rahul and Priyanka Gandhi on Monday met officials at the National Human Rights Commission (NHRC) to seek a probe into alleged atrocities in Uttar Pradesh.

### AMU decides to lodge FIR against police 'excesses'

Amity Muslim University (AMU) has decided to lodge an FIR against the police for alleged excesses in action by thrashing students.

The NHRC has also received a complaint from the AMU regarding the police action.

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### छात्रावास में घुसी पुलिस पर केस करेगा एनएच

उत्तर प्रदेश  
अलीगढ़: छात्रावास संवाददाता

एनएच आरसी ने बीजेपी 15 दिवस को हुए बवाल के दौरान छात्रावास में घुसी पुलिस पर केस करेगा।

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### NHRC to Take Suo Mot

Protests also took place at the Film and Television Institute of India and universities in Pune, Patna, Delhi, Chennai, Panaji, Puducherry, Kerala and Hyderabad. Some students linked the demonstrations to the ongoing protests against CAA and NRC.

In the light of the recent clampdown on voices of dissent, the NHRC-CAA protest taking place all over the country.

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### एनएचआरसी का जांच दल पहुंचा जामिया

जामिया मुस्लिम विश्वविद्यालय में विद्यार्थियों से संवाद करते हुए एनएचआरसी दर्ज करवाने के लिए अदालत जाने की बात कही थी। इसकी मंजूरी के लिए देर शाम को प्रशासन ने इसी बैठक बुलाने का फैसला किया।

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### Complaints in January, 2020

|                                       |       |
|---------------------------------------|-------|
| Complaints received                   | 7718  |
| Disposed                              | 7616  |
| Under consideration of the Commission | 21298 |

### Important Telephone Numbers of the Commission:

Facilitation Centre (Madad) Incharge: Satish  
NHRC Toll Free No: 14433  
For Complaints: Fax No. 011-2465 1332  
For Filing online complaints: www.nhrc.in, hrnet.nic.in, Common Service Centres

### Other Importance E-mail Addresses

jrlawnhrc@nic.in (For complaints), cr.nhrc@nic.in  
(For general queries/correspondence)

### Focal point for Human Rights Defenders: Debindra Kundra

Assistant Registrar (Law)  
Mobile No. 9810298900, Fax No. 011-2465 1334  
E-mail: hrd-nhrc@nic.in

This Newsletter is also available on the Commission's website [www.nhrc.nic.in](http://www.nhrc.nic.in)

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